



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

March 29, 1939

GERALD C. MANN
ATTORNEY GENERAL

Honorable R. E. Beasley
County Auditor, Collin County
McKinney, Texas

Dear Sir:

Opinion No. O-479

Re: Who pays for trustee elections
in both common and independent
school districts.

We have your letter of March 10, 1939, requesting our interpretation of Articles 2746b and 2776, Revised Civil Statutes, which refer to the election of trustees in common and independent school districts and expenses incident thereto, and you have requested an answer to the following question:

"Who pays for trustee elections in both common and independent school districts?"

For your information by opinion of the Attorney General of Texas, numbered O-100, dated January 27, 1939, addressed to Honorable H. A. Hodges, County Auditor, Georgetown, Texas, your question in reference to who pays for elections in common school districts was answered in substance as follows: The election judges shall be paid out of the general fund of the county in which said election was held but all other expenses incident to such election, such as printing ballots, delivering the same, payment for election supplies, etc., shall be paid out of the available maintenance fund belonging to such district.

In answer to the second part of your question, it is our opinion that all expenses incident to trustee elections in independent school districts shall be paid out of the available maintenance fund belonging to such district.

A review of the statutes controlling these matters, setting them forth in their chronological order, shows that the 44th Legislature in 1935 enacted Article 2746b, same being a general statute applying to school districts, both common and independent. The act in question repealed by implication both Articles 2776 and 2746 in so far as they conflicted with it. Said act became effective March 22, 1935, and from that date until the amendment of Article 2746 by the 45th Legislature, effective April 29, 1937, all expense incurred in connection with or incidental to any school district election was payable out of the available maintenance fund belonging to such district.

Article 2746, both before and after amendment, pertained only to common school districts, and provided after amendment in 1937 that the election judges (in common school districts) shall be paid out of the general fund of the county in which said election was held and it repealed to that extent the portion of Article 2746b in conflict with it in so far as common school districts are concerned.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By


E. R. Simmons
Assistant

ERS:AMM

APPROVED:


ATTORNEY GENERAL OF TEXAS